

## **Chatfield Reallocation FR/EIS Study Meeting**

**Tetra Tech Conference Room, Lakewood, Colorado**

**Thursday, June 10, 2010: 9:00 am–11:30 am**

### **1) Introductions and General Announcements Tom Browning (Colorado Water Conservation Board [CWCB])**

- Tom welcomed the group and introduced the agenda. Topics included Study budget and schedule, ATR and District Review of Draft FR/EIS, Strategy for future meetings, Letter from EPA Region VIII and next steps, Remaining items for completion of Draft FR/EIS, Environmental Issues, Recreation and Socioeconomic Issues, and Public Involvement.
- There is an interest in combining the coordination meetings with the progress meetings to save time and be more efficient. It was agreed that combined meetings would be held for the next two months (on July 8 and August 12). Tom will work on logistics and notify everyone of the meeting place.
- Review of Draft FR/EIS: Tom confirmed with Eric that the group (water users, cooperating agencies, special technical advisers) would have one more opportunity to review the draft FR/EIS before it goes Public. It was agreed that this review would be only for major “red flag” issues and not to generate detailed comments.

### **2) Study Updates: Eric Laux (USACE-Omaha [Corps])**

- The Corps’ District Review of the FR/EIS has begun and it is believed that the Corps’ ATR draft will be conducted concurrently. Gwyn Jarrett (Corps) is targeting the 3<sup>rd</sup> week in September to publish an announcement in the Federal Register of the availability of the Draft FR/EIS.
- Consistency of EFUs between CMP and CE/ICA: Betty Peake (Corps) found that there was a slight difference in the number of EFUs between the CMP and the CE/ICA; a conference call was held yesterday between the Corps, ERO, and Tetra Tech to discuss how to resolve. The issue is being worked on and expected to be resolved quickly. Eric clarified that the differences were not a result of improper computation of EFUs, but a matter of math and phasing of benefits through CE/ICA methodology.
- PCX Approval of Models: Gwyn discussed with PCX lead and there were two items that the PCX lead wanted to ensure were checked: 1) as the model consists of output for multiple categories of habitat, ensure there is no double-counting (i.e. is it clear that impacts and mitigation for each species/community is sufficient?), and 2) Have model comments been addressed sufficiently with respect to application on this project?.
- Dam Safety: The Failure Mode Analysis is being completed and will be part of the Dam Safety appendix. The completion of this product is expected within the week.
- Independent External Peer Review (IEPR): Will be done concurrently with public review. Panel members are being identified by Battelle and will be in place in July. IEPR will need to review Public Comments, but it is not known yet at what stage that will be done (e.g., response to comments?) and how much that would affect schedule. Eric described

the IEPR process to the group and suggested that Battelle acts both as the contractor that assembles the IEPR team, and also the review coordinator. Battelle will collect comments from cementers and categorize and consolidate them, then deliver to Corps. Not known yet how difficult it will be to deal with conflicts that result from IEPR comments, if any.

- Corps and EPA Letters/Meetings: The Corps and EPA have had several meetings and exchanged several letters regarding LEDPA (Least Environmentally Damaging Practicable Alternative). EPA's most recent letter to the Corps was May 18, 2010 and it reiterated their concerns about LEDPA for the Chatfield study. The Corps plans to move ahead with completion of the Draft FR/EIS while the issues continue to be discussed. The Corps plans to meet with EPA again before the draft goes to the Public to provide EPA with an update of how the Draft FR/EIS addresses EPA's concerns. Eric indicated that if there is still a major concern from EPA then there is a process for elevating the concerns.

Brent Truskowski (EPA) indicated that EPA's position is that the LEDPA alternative is not being selected and thus EPA Region 8 will recommend denial of the Chatfield project. He stated that the Chatfield project will not be approved at the EPA Regional level. EPA will provide a NEPA rating of the FR/EIS after the Public Comment period, and will also provide a 404(b)(1) analysis.

Eric (Corps) mentioned that he felt the main challenge from EPA would likely be LEDPA, and not the NEPA review that the EPA provides, as the Chatfield project takes a very measured approach to selecting an alternative, which is the essence of NEPA.

Gene Reetz (Audubon) indicated there are two processes by which the issue could be elevated: 1) Elevate to CEQ through NEPA, and 2) Elevate through the Clean Water Act – 404 Permit process.

Brent (EPA) thinks that an off-channel reservoir would be the LEDPA. He thinks the proposed Chatfield project has too many impacts and would be permanently damaging to wetlands and wildlife at Chatfield.

Mike Mueller (Sierra Club) indicated that Sierra Club's national policy on water resource projects is that they are in favor of enhancements to existing facilities but they will not support any new reservoirs. Sierra Club would oppose the development of Penley Reservoir, for example

Brent stated that the Chatfield project cannot mitigate to the LEDPA. EPA can only look at impacts to determine the LEDPA, even though the Corps includes mitigation as part of the overall P&G strategy for evaluating alternatives. Brent indicated that a proposal to elevate the issue will likely occur in EPA Region 8's comment letter on the Draft FR/EIS.

### **3) EIS Discussion Items**

- Schedule: After Corps reviews this summer, the Public Draft of the FR/EIS is targeted for release approximately October 1, 2010. It is anticipated that an extension of the review period will be requested and that the Public review period is expected to be 90 days. Thus, the Public review period would be completed at approximately the end of CY2010.

- Fish and Wildlife Coordination Act report: Eric indicated that the Fish and Wildlife Service is committed to providing the FWCA report for the Draft FR/EIS. They will be providing a progress letter for the District Review Draft, it was expected at the end of May, so it should be available soon.
- Resolution of Parks/DNR comments: DNR and the Water Users have been holding working meetings and will continue to meet through July to resolve the comments and concerns that were presented under cover of an April 6<sup>th</sup>, 2010 letter to the Corps from the DNR. Bahman Hatami (Parks) indicated that DNR's committee includes four members from the state and representation from the Water Users group. Members from the state include Alex Davis (DNR) who is coordinating, Tom Browning for CWCB, one representative from Parks, and one representative from DOW. The Water User's will be represented by five representatives. The goal is to resolve all of the issues by the end of July. The plan is to provide the Corps and Tetra Tech with appropriate text for the FR/EIS as soon as it is available from the workgroup. The issues need to be resolved for the Draft FR/EIS. Two of the main issues per Steve Dougherty (ERO) are: 1) Sequencing – should mitigation come first and then relocation of the facilities or vice-versa, and 2) Operational – can a minimum stable pool elevation be agreed to for the Recreation Season.
- Water Quality: Mike (Sierra Club) is concerned about phosphorus and algal blooms and what is being done to revise the Water Quality analysis. Gary (Tetra Tech) indicated that information from Jim Saunders (Colorado Water Quality Control Division) has been added to support that development of anoxic conditions is unlikely at Chatfield, thus release of phosphorus from sediments would be low (the worst-case scenario is unlikely). Furthermore, there is poor correlation between phosphorus and chlorophyll *a* at Chatfield, and an increase in phosphorus would not necessarily result in an algal bloom. There may be other limiting factors, such as nitrogen, that control the potential for algal blooms.
- Recreation and Socioeconomic Issues: Tom just received a draft of BBC's analysis of Alternative 4. BBC is meeting with Parks to discuss, and Eric recommended that parks provide the latest revision to Betty Peake to ensure her concerns had been addressed before the meeting. Once the Alternative 4 analysis is ready, Tetra Tech will incorporate the information into the FR/EIS.
- Land and Water Conservation Fund (LWCF): Eric indicated that the Corps needs a letter from the Parks, based on consultation with the National Park Service, stating that there will not be a conversion of use, and thus there are no concerns regarding LWCF funds. Parks has hired Greg Monroe to work on the LWCF issue; a schedule is needed from Heather Dugan (Parks).
- MCACES: Gary indicated the MCACES cost documentation is needed from the Corps for the FR/EIS; it will be an appendix. His understanding is that it is nearly complete. Chuck Hillerson (Tetra Tech) has provided all cost information to Jeff Stanek, the Corps' MCACES lead. Eric will ask Gwyn to provide an update on status/schedule.
- Real Estate Plan: Gary indicated that this is also needed from the Corps for the FR/EIS, and his understanding is that it is nearly complete. Eric will ask Gwyn to provide a status update.

**4) Wrap-up—Next Meeting Date:**

- *Next meeting date:* Thursday, July 8, 2010, at 9 am, location to be determined – Tom Browning will notify the group.